

**SEMINOLE COUNTY GOVERNMENT  
LAND PLANNING AGENCY / PLANNING AND ZONING COMMISSION  
AGENDA MEMORANDUM**

**SUBJECT:** Rezoning from A-1 to RP (Hugh Harling)

**DEPARTMENT:** Planning & Development **DIVISION:** Planning

**AUTHORIZED BY:** Matthew West **CONTACT:** Jeff Hopper **EXT.** 7431

**Agenda Date** Jan. 9, 2002 **Regular** ☐ **Work Session** ☐ **Briefing** ☐  
**Special Hearing – 6:00** ☐ **Public Hearing – 7:00** ☒

**MOTION/RECOMMENDATION:**

Approval of the rezoning from A-1 to RP, east side of Tuskawilla Rd., 0.1 mile north of SR 426, per the attached Development Order (2.6 acres). Hugh Harling, Harling Locklin & Associates, applicant.

(District 1 – Maloy)

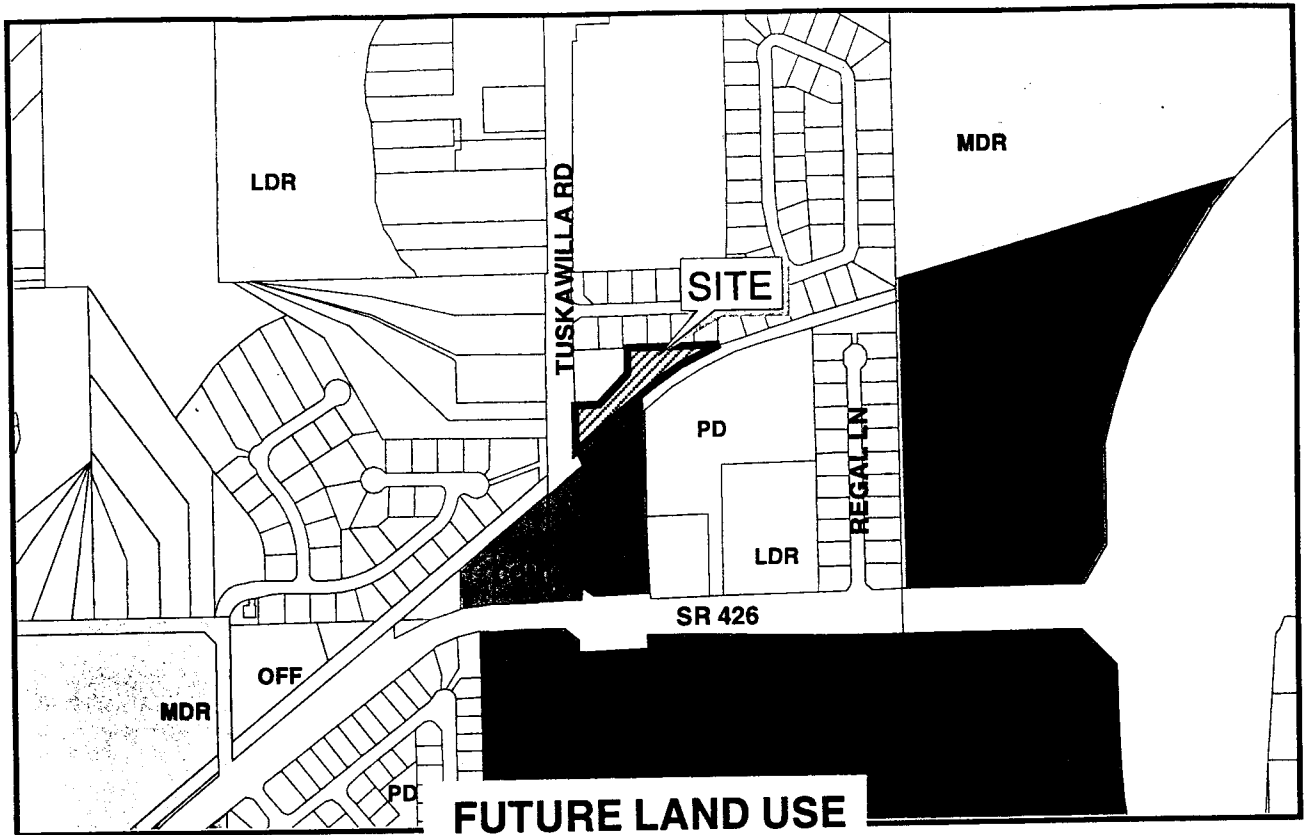
(Jeff Hopper, Senior Planner)

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**BACKGROUND:**

The applicant, Hugh Harling, requests approval of a rezoning from A-1 to RP for this 2.6 acre parcel in order to develop an office complex. The subject property is undeveloped. Access will be provided via Tuskawilla Rd.

Reviewed by:  
Co Atty: KZC  
DFS: \_\_\_\_\_  
OTHER: CM  
DCM: \_\_\_\_\_  
CM: \_\_\_\_\_  
File No. Z2001-039

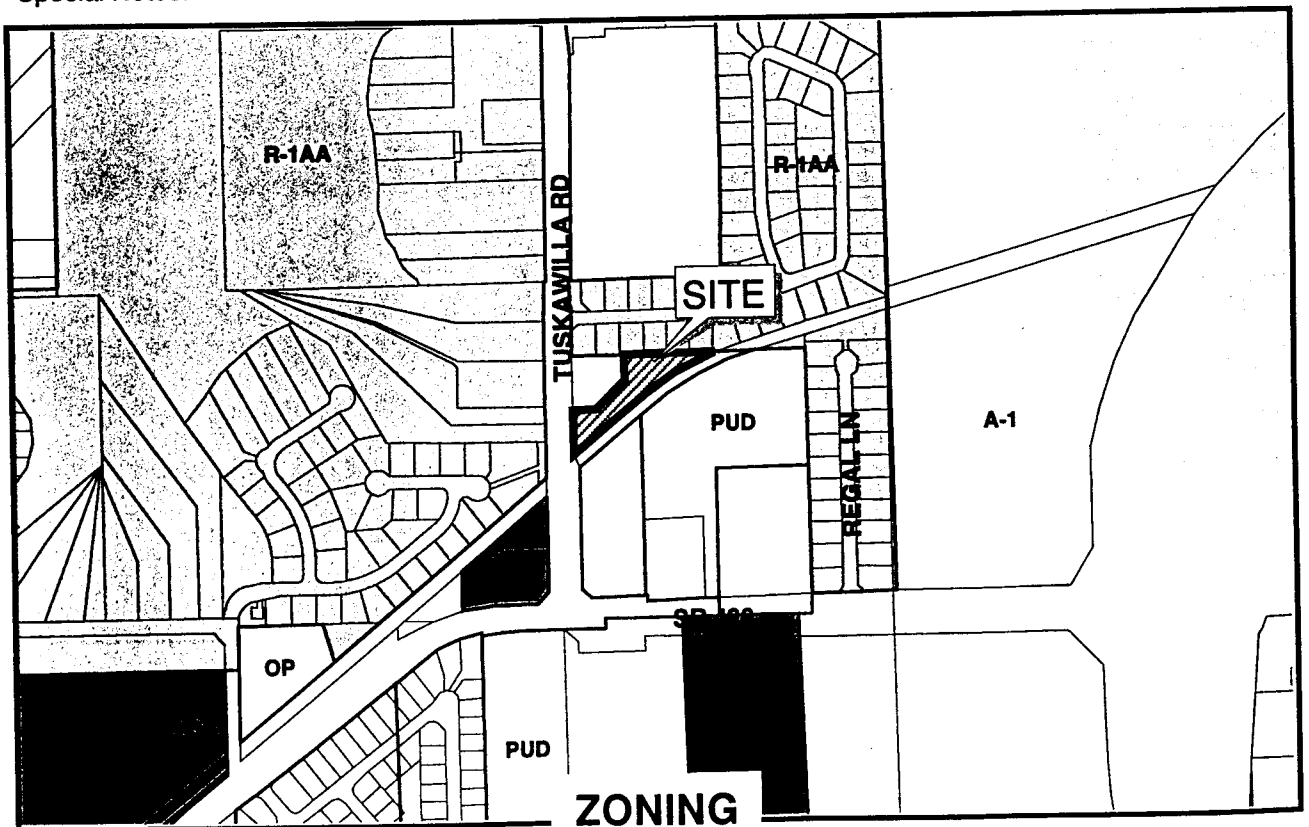


Site 
 ..... Municipality 
  COM 
 LDR 
 MDR 
 OFF 
 PD 
  HIP

Applicant: Harling Locklin & Associates, Inc.  
 Physical STR: 36-21-30-300-0020-0000  
 Gross Acres: 2.6 BCC District: 1  
 Existing Use: Orchard/Groves  
 Special Notes: \_\_\_\_\_

	Amend/ Rezone#	From	To
FLU			
Zoning	Z2001-039	A-1	RP

N



A-1 
  R-1AA 
  PCD 
  R-3A 
  PUD 
  OP



Rezone No. Z2001-39  
From: A-1 To: RP

- ☐ Subject Property
- ☐ Parcelbase



February 1999 Color Aerials

## PARKER OFFICE COMPLEX

REQUEST INFORMATION		
APPLICANT	HARLING LOCKLIN & ASSOCIATES	
PROPERTY OWNER	GLORIA J. PARKER, TRUSTEE	
REQUEST	A-1 TO RP	
HEARING DATE (S)	P&Z: JAN. 9, 2002	BCC: TBD
SEC/TWP/RNG	36-21-30-300-0020-0000	
LOCATION	EAST SIDE OF TUSKAWILLA RD., 0.1 MILE NORTH OF SR 426	
FUTURE LAND USE	MEDIUM DENSITY RESIDENTIAL (MDR)	
FILE NUMBER	Z2001-039	
COMMISSION DISTRICT	1	

### OVERVIEW

**Zoning Request:** The applicant is requesting a rezoning from Agriculture (A-1) to Residential-Professional (RP) in order to develop an office use on 2.6 acres near the intersection of Tuskawilla Rd. and SR 426. To the north are an existing single family subdivision and day care center. The day care facility is a special exception use in the A-1 zoning district. A Seminole County trail right-of-way is located immediately to the south. A convenience store has recently been constructed south of the trail at the intersection. Single family development also exists to the west, across Tuskawilla Rd.

Future Land Use on the subject property is Medium Density Residential (MDR), potentially allowing up to 10 dwelling units per acre. However, RP may be considered within this land use designation where it is not detrimental to the character of the area or inconsistent with trends of development. Staff feels that the office use, as proposed, is an effective transition between commercial uses to the south and low-density residential uses to the north. FLU Exhibit 2 of the Vision 2020 Plan indicates that office use may be an appropriate transitional use adjacent to LDR under certain conditions. Offices may be allowable with sensitive site design standards such as sufficient buffers, limited building heights, and consideration given to architectural controls, lighting, and proper positioning of active uses.

The applicant's proposed site plan shows 12,000 square feet of office space in three buildings. There would be a direct access point to the site from Tuskawilla Rd. However, this access would be limited to right-in and right-out use without a median opening. An existing opening opposite the day care site would be a better access point if joint use can be arranged. Accordingly, the applicant is showing cross access and joint-use easements parallel to Tuskawilla and adjacent to the day care property. These would facilitate vehicular movement between the subject property, the day care site, and commercial development across the trail to the south. However, the County's Trails Office states that a trail crossing will not be permitted.

The proposed site plan, required for an RP request, shows a 10-foot landscape buffer adjacent to the trail right-of-way. Active buffers are required along the north property line, adjacent to single family development, and also along the common boundary with the day care facility. These will include 6-foot brick or masonry walls, as well as special setback and buffering requirements.

All landscape plantings will be provided as required by Code. However, due to the property's irregular shape, the applicant is requesting the following waivers:

1. reduction of active edge building setback from 50 to 30 feet on north property line;
2. reduction of active edge buffer width requirement from 25 to 10 feet on north property line;
3. reduction of active edge building setback from 50 to 10 feet adjacent to day care facility;
4. reduction of active edge buffer width requirement from 25 to 10 feet adjacent to day care facility.

Staff has no objection to requested waivers 1, 3, and 4 on the above list. With regard to the second requested waiver, staff recommends that no less than half of the 25-foot "landscape buffer" shown along the north property line be reserved for landscaping, and that retention should be limited to the south half of the buffer.

Required open space on the site is 25%. This will be met through the proposed buffers, retention, and other unpaved areas. As required by the Land Development Code, retention areas must be sodded, landscaped, and provided with recreational or visual amenities (such as picnic tables or fountains) in order to be counted toward required open space.

Per the Land Development Code, building height is restricted to 1 story. With the exception of the above-referenced waivers, the applicant has agreed to meet all Code requirements in the final site plan, to be submitted for review by the Development Review Division.

In summary, the proposed RP is consistent with permitted land use under the Vision 2020 Plan, and is compatible with the surrounding area. Planning staff receives frequent inquiries about the possibility of commercial uses on Tuskawilla Rd. In light of this demand, the request provides a valuable opportunity to create a non-residential use in the area without starting a development trend unfavorable to adjacent single family neighborhoods. An office site at this location is potentially less obtrusive than the multiple family uses allowable under the MDR future land use designation.

**Existing Land Uses:** The existing zoning designations and land uses are as follows:

North – Future Land Use is LDR, zoning is R-1AA. Existing land use is single family development.

South – Future Land Use is HIP, zoning is A-1. Existing land use is vacant.

East – Future Land Use is PD, zoning is PUD. Existing land use is vacant.

West – Future Land Use is LDR. Zoning at the day care site is A-1, and R-1AA across Tuskawilla Rd. Existing land use is single family development.

For more detailed information regarding zoning and land use, please refer to the attached map.

## **SITE ANALYSIS**

### **Facilities and Services:**

1. Adequate facilities and services must be available concurrent with the impacts of development. If required by the concurrency review, additional facilities and services will be identified.
2. The proposed zoning is consistent with the adopted future land use designation assigned to the property, and does not alter the options or long range strategies for facility improvements or capacity additions included in the Support Documentation to the Vision 2020 Plan.
3. Seminole County water and sewer service are both available to the site.
4. Vehicular access should be right in/right out and meet the driveway separation requirements from adjacent driveways. Also, the applicant should approach the neighboring property owner to the north (day care center) about cross/joint use access; a shared access with this facility would provide the applicant with access at a full median opening.

**Compliance with Environmental Regulations:** There are no concerns regarding compliance with environmental regulations.

**Compatibility with surrounding development:** Currently, the area has an LDR land use designation to the north and west, PD and HIP to the south and east. The proposed RP zoning classification is compatible with the MDR land use designation and will serve as an effective transition between commercial uses to the south and residential uses to the north.

## **STAFF RECOMMENDATION**

Staff recommends approval of the requested RP zoning classification, based on the applicant's compliance with the Vision 2020 Plan and compatibility with surrounding development. If the rezoning is approved, staff recommends the following conditions, to be listed in the development order:

1. Active buffers along the north property line and adjacent to the day care facility, subject to the following waivers:
  - a. reduction of active edge building setback from 50 to 30 feet on north property line;
  - b. reduction of active edge buffer width requirement from 25 to 12.5 feet on north property line, with no retention permitted in the buffer;
  - c. reduction of active edge building setback from 50 to 10 feet adjacent to day care facility;
  - d. reduction of active edge buffer width requirement from 25 to 10 feet adjacent to day care facility.
2. Applicant shall provide a 6-foot brick or masonry wall adjacent to the day care site and between the two north buildings along the north edge of the parking area.
3. Building height shall not exceed 1 story.
4. Open space shall constitute at least 25% of the site, and retention areas shall be amenitized per Section 30.1344 if they are to be counted toward this requirement.
5. Applicant shall attempt to obtain joint access to Tuskawilla Rd. with the adjoining day care center, subject to review and approval by the Development Review Division.
6. No vehicular trail crossing shall be permitted.
7. Applicant shall provide paved pedestrian paths connecting entrances of buildings to the sidewalk on Tuskawilla Rd.
8. All buildings shall have hip or gable roofs.
9. Windows must be provided in all sides of buildings.
10. Buildings must be designed with residential-style architecture.
11. North buildings shall have motion-sensor security lights only.
12. There shall be no parking lot lighting fixtures within 100 feet of rear lot lines of residential lots. Maximum height of these fixtures shall be 15 feet.
13. Fire lanes shall be provided in accordance with the Land Development Code.
14. Dumpster(s) shall be located at least 100 feet from north property line.
15. Mechanical units shall be screened. No mechanical units shall be allowed on roofs or within 50 feet of the north property line.

**FILE #** Z2001-039

**DEVELOPMENT ORDER # 1-20500002**

**SEMINOLE COUNTY DEVELOPMENT  
ORDER**

On January 9, 2002, Seminole County issued this Development Order relating to and touching and concerning the following described property:

Legal description attached as Exhibit A.

(The aforescribed legal description has been provided to Seminole County by the owner of the aforescribed property.)

**FINDINGS OF FACT**

**Property Owner:** GLORIA J. PARKER TRUSTEE, 4535 WHIMBREL PLACE, WINTER PARK, FL, 32792

**Project Name:** PARKER OFFICE COMPLEX

**Requested Development Approval:** Rezoning from A-1 zoning classification to RP zoning classification

The Development Approval sought is consistent with the Seminole County Comprehensive Plan and will be developed consistent with and in compliance to applicable land development regulations and all other applicable regulations and ordinances.

The owner of the property has expressly agreed to be bound by and subject to the development conditions and commitments stated below and has covenanted and agreed to have such conditions and commitments run with, follow and perpetually burden the aforescribed property.

Prepared by: JEFF HOPPER  
1101 East First Street  
Sanford, Florida 32771



**NOW, THEREFORE, IT IS ORDERED AND AGREED THAT:**

- (1) The aforementioned application for development approval is **GRANTED**.
- (2) All development shall fully comply with all of the codes and ordinances in effect in Seminole County at the time of issuance of permits including all impact fee ordinances.
- (3) The conditions upon this development approval and the commitments made as to this development approval, all of which have been accepted by and agreed to by the owner of the property are as follows:

1. Active buffers along the north property line and adjacent to the day care facility, subject to the following waivers:
  - a. reduction of active edge building setback from 50 to 30 feet on north property line;
  - b. reduction of active edge buffer width requirement from 25 to 12.5 feet on north property line, with no retention permitted in the buffer;
  - c. reduction of active edge building setback from 50 to 10 feet adjacent to day care facility;
  - d. reduction of active edge buffer width requirement from 25 to 10 feet adjacent to day care facility.
2. Applicant shall provide a 6-foot brick or masonry wall adjacent to the day care site and between the two north buildings along the north edge of the parking area.
3. Building height shall not exceed 1 story.
4. Open space shall constitute at least 25% of the site, and retention areas shall be amenitized per Section 30.1344 if they are to be counted toward this requirement.
5. Applicant shall attempt to obtain joint access to Tuskawilla Rd. with the adjoining day care center, subject to review and approval by the Development Review Division.
6. No vehicular trail crossing shall be permitted.
7. Applicant shall provide paved pedestrian paths connecting entrances of buildings to the sidewalk on Tuskawilla Rd.
8. All buildings shall have hip or gable roofs.
9. Windows must be provided in all sides of buildings.
10. Buildings must be designed with residential-style architecture.
11. North buildings shall have motion-sensor security lights only.
12. There shall be no parking lot lighting fixtures within 100 feet of rear lot lines of residential lots. Maximum height of these fixtures shall be 15 feet.
13. Fire lanes shall be provided in accordance with the Land Development Code.
14. Dumpster(s) shall be located at least 100 feet from north property line.
15. Mechanical units shall be screened. No mechanical units shall be allowed on roofs or within 50 feet of the north property line.

(4) This Development Order touches and concerns the aforescribed property and the conditions, commitments and provisions of this Development Order shall perpetually burden, run with and follow the said property and be a servitude upon and binding upon said property unless released in whole or part by action of Seminole County by virtue of a document of equal dignity herewith. The owner of the said property has expressly covenanted and agreed to this provision and all other terms and provisions of this Development Order.

(5) The terms and provisions of this Order are not severable and in the event any portion of this Order shall be found to be invalid or illegal then the entire order shall be null and void.

**Done and Ordered on the date first written above.**

By: \_\_\_\_\_  
Donald S. Fisher  
Planning and Development Director

**OWNER'S CONSENT AND COVENANT**

**COMES NOW**, the owner, GLORIA J. PARKER, TRUSTEE, on behalf of herself and her heirs, successors, assigns or transferees of any nature whatsoever and consents to, agrees with and covenants to perform and fully abide by the provisions, terms, conditions and commitments set forth in this Development Order.

\_\_\_\_\_  
Witness

\_\_\_\_\_  
GLORIA J. PARKER TRUSTEE,  
Property Owner

\_\_\_\_\_  
Witness

**STATE OF FLORIDA**

**COUNTY OF SEMINOLE**

**I HEREBY CERTIFY** that on this day, before me, an officer duly authorized in the State and County aforesaid to take acknowledgments, personally appeared GLORIA J. PARKER who is personally known to me or who has produced \_\_\_\_\_ as identification and who did take an oath.

**WITNESS** my hand and official seal in the County and State last aforesaid this \_\_\_\_ day of \_\_\_\_\_, 2002.

\_\_\_\_\_  
Notary Public, in and for the County and State  
Aforementioned

My Commission Expires:

## EXHIBIT "A"

Beginning 300 feet South and 260 feet East of the Northwest Corner of the SE 1/4 of the NE 1/4, run South 93.02 feet, S 44°54'00" W 155.84 feet, West to easterly right-of-way of Tuskawilla Road, South to Northerly right-of-way of railroad, northeasterly and easterly along railroad right-of-way to a point east of beginning, west to beginning.

Containing 2.6 acres, more or less.

**AN ORDINANCE AMENDING THE LAND DEVELOPMENT CODE OF SEMINOLE COUNTY; PROVIDING FOR THE REZONING OF CERTAIN DESCRIBED REAL PROPERTY LOCATED IN UNINCORPORATED SEMINOLE COUNTY FROM A-1 (AGRICULTURE) TO RP (RESIDENTIAL-PROFESSIONAL); PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA:**

**Section 1. LEGISLATIVE FINDINGS.**

(a) The Board of County Commissioners hereby adopts and incorporates into this Ordinance as legislative findings the contents of the document titled "Parker Office Complex."

(b) The Board hereby determines that the economic impact statement referred to by the Seminole County Home Rule Charter is unnecessary and waived as to this Ordinance.

**Section 2. REZONING.**

The zoning classification assigned to the following described property is changed from A-1 (Agriculture) to RP (Residential-Professional):

Legal Description Attached as Exhibit A

**Section 3. CODIFICATION.** It is the intention of the Board of County Commissioners that the provisions of this Ordinance shall not be codified.

**Section 4. SEVERABILITY.** If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, it is the intent of the Board of County Commissioners that the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared severable.

**Section 5. EFFECTIVE DATE.**

A certified copy of this Ordinance shall be provided to the Florida Department of State by the Clerk of the Board of County Commissioners in accordance with Section 125.66, Florida Statutes. This Ordinance shall become effective upon filing a copy of this Ordinance with the Department of State by the Clerk of the Board of County Commissioners.

ENACTED this \_\_\_\_ day of January, 2002.

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

By: \_\_\_\_\_  
Daryl G. McLain  
Chairman

## **EXHIBIT "A"**

Beginning 300 feet South and 260 feet East of the Northwest Corner of the SE 1/4 of the NE 1/4, run South 93.02 feet, S 44°54'00" W 155.84 feet, West to easterly right-of-way of Tuskawilla Road, South to Northerly right-of-way of railroad, northeasterly and easterly along railroad right-of-way to a point east of beginning, west to beginning.

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